



**CITY OF KINGSTON PLANNING BOARD
MEETING MINUTES
September 12, 2016
Common Council Chambers – 6:00 PM**

NOTES: (1) These meeting minutes are a summarization of notes and not an absolute transcript of dialogue. (2) All public hearings were conducted prior to the Planning Board discussions with the applicant(s) and any comment received is included within the written section of the minutes. (3) In the absence of full Planning Board Members, or in the case of a necessary recusal, the Planning Board Alternates will participate in the vote in order of seniority.

A meeting of the City of Kingston Planning Board was held on September 12, 2016 in the Common Council Chambers at Kingston City Hall, 420 Broadway, Kingston, New York. The meeting was called to order at 6:00 PM by Chairman Wayne Platte.

BOARD/ALTERNATE MEMBERS PRESENT: Wayne Platte, Chairman, John Dwyer Jr, Vice-Chairman, MaryJo Wiltshire, Charles Polacco, Jonathan Korn, Jamie Mills and William Tubby.

OTHERS PRESENT: Suzanne Cahill, Planning Director, Kyla Haber, Assistant Planner, Daniel Gartenstein, Asst. Corporation Counsel.

GENERAL NOTES:

1. Pledge of Allegiance
2. Introduction of all Board Members and Staff Present
3. Identify exits, bathrooms, no elevator in case of emergency
4. Silence cell phones, conversations should be taken out of room
5. Respect speakers

REGULAR BUSINESS:

Item #1: Open Public Speaking (6:00P.M. – 6:15 P.M.)

Antoinette Sindone – 31 Green Street – Is displeased with the new uptown parking lot configuration on N. Front Street. The handicap parking is located in the middle of the lot rather than where it used to be along the building. There is nothing to hold on to and there is no separate entrance/exit from the parking lot for pedestrians. Pedestrians including people with walkers will be in the area of traffic. She feels that the old parking lot was better. The old configuration has a cut through area along the building that people would use to get to the sidewalk. She has seen that people are stepping over the guard rail and the new planting area because they do not want to walk around to get to the sidewalk. This does not even consider

what will happen in winter when it snows. Also, she asked that the City add a pedestrian crossing sign to N. Front Street where the crosswalk is located and also on N. Front at Frog Alley. She hopes that the City will take this information into consideration when doing the parking lot on the other side of N. Front.

Item #2: Adoption of the July 11, 2016 Planning Board minutes.

PUBLIC HEARINGS:

Item #3: #276 Fair Street SPECIAL PERMIT renewal to utilize 2nd floor apartments for short term rentals. SBL 48.331-4-21. SEQR Determination. Zone C-2, MUOD, Stockade Historic District. Ward 2. Jean J. Carquillat; applicant/owner.

Discussion: No one spoke at the public hearing. Michael Morriello was present at the meeting. The application is for renewal of the special permit to utilize 2 apartments above Le Canard Restaurant for short term rentals. The owner of the building operates the restaurant on the ground floor. The original permit was issued in September 2015 for a period of 1 year. A special permit is required due to the property's location in the Mixed Use Overlay District.

The Board asked if the rentals are still being used for short term vacation rentals. M. Morriello replied that one is being used as a short term rental and the other is occupied by the owner.

The applicant's representative was advised that the owner needs to file Landlord Registration with the Building Safety Division.

No issues were recognized by the Building or Police Departments.

A term for the special permit was discussed. The Board agreed to increase the term to 3 years.

A determination of environmental significance was discussed. Because the project involves no changes, it may be categorized as a Type II Action under 6NYCRR Part 617.5 (c) (26), and therefore is predetermined by New York State to have no environmental impact and no SEQR review of the Board is required.

Decision: The Board voted unanimously to render the action a Type II under SEQR and approve the special permit for 2 apartments for a term of 3 years to expire on September 12, 2019 with all original conditions carried forward. (WP, JD, MW, CP, RJ – yes)

Item #4: #370 Albany Avenue SPECIAL PERMIT renewal for car wash. SBL 48.302-3-18. SEQR Determination. Zone C-3. Ward 6. Dutchess Terminals, Inc./applicant; ANK Realty/owner.

Discussion: No one spoke at the public hearing. Russo Vosoughi was present at the meeting. The application is for renewal of the special permit to operate a car wash in the C-3 zone. The permit was originally issued on April 13, 2005 with the most recent approval on September 2013 for a period of 3 years.

The owner states that he will be upgrading the internal operations of the car wash with no changes to the exterior. S. Cahill asked what the anticipated start date and length of duration that work take. R. Vosoughi stated that the timing is not yet established.

There have been no issues or complaints with the Building Department.

The owner constructed a new 2030 sf convenience store on the site and received a Certificate of Occupancy in 2012.

The Board discussed a term for the special permit. There is no term limit for this type of use. The previous term was for 3 years. The Board agreed to increase the term to 5 years.

A determination of environmental significance was discussed. Because the project involves no changes, it was categorized as a Type II Action under 6NYCRR Part 617.5 (c) (26), and therefore is predetermined by New York State to have no environmental impact and no SEQR review of the Board is required.

Decision: The Board voted unanimously to render the action a Type II under SEQR and to approve the special permit for a period of 5 years to expire on September 12, 2021, with all original conditions carried forward. (WP, JD, MW, CP, RJ – yes)

Item #5: **#672 Broadway** SPECIAL PERMIT to establish 6 residential units on the upper floors in the Mixed Use Overlay District. SBL 56.25-1-18. SEQR Determination. Zone C-2, MUOD, HAC. Ward 4. John Stavros/applicant; Ramona 009 Productions Inc./owner.

Discussion: No one spoke at the public hearing. John Stavros was present at the meeting. The application is for a special permit to establish 6 residential units on the 2nd and 3rd floors of a building in the C-2, Mixed Use Overlay District. The application was originally approved under a previous owner but expired without renewal in 2010. Since then, the property ownership reverted back to the City and was purchased in September 2015 by the current owner as part of a surplus property sale.

Under previous submission, the applicants submitted a copy of the deed and a site plan showing a 12' easement for access to the rear of the property. The easement is on the property at 11 Downs Street owned by Serafim Tsiamis.

The first floor is proposed to be gallery space. The second and third floors will be exact replicas with 3 apartments on each floor. Two studios and one 1-bedroom will be on each floor for a total of 6 apartments. The units will be accessed through a separate entrance on the ground level.

J. Stavros explained that the ground floor will be used as an art gallery, exhibition space, and retail "Pop Shop". The "Kingston Pop Museum" will showcase a permanent collection of items collected by the owner, mainly items of famous people. The gallery space will have monthly artist exhibits. The shop will sell items of artists and artifacts that are not on display in the museum.

Parking requirements are listed on the plans, however, the addition that was originally proposed is not included in this application. Studios require 1 space and 1-bedrooms require 1.5 spaces totaling 7 spaces for the residential portion. The art galleries/retail requires 1 space per 300 (total of approximately 1750sf) for a total of 6 spaces. The total requirement for the site is 13 spaces. This is a change from the original calculation which included the addition on the rear of the building. The applicants were told that they needed to seek a variance from the parking requirement. (NOTE: additional research after the meeting and discussion with the Zoning Enforcement Officer and the BSD revealed that there was a parking variance issued for May 16, 2006 for 13 spaces. The plans have not changed and construction had begun under previous ownership. Therefore this variance is being carried forward.)

Installation of a Knox Box on the building for emergency access by the Kingston Fire Department was requested.

The Heritage Area Commission will need to review any future plans for the exterior to ensure that they meet the requirements of the Broadway Overlay Design Guidelines.

The Board discussed the Payment in Lieu of Parkland fee for the project. Staff noted that the \$4000 fee for the residential units was already paid by the previous owners prior to obtaining a building permit and therefore, no recreation fee was required. R. Jacobsen questioned why the recreation fee wasn't issued again under the new owner because it is tied to obtaining a building permit. D. Gartenstein and staff said that they would look at the language of the law.

Planning Board Policies – #4 & 4a – lighting levels between 1-5 footcandles with adjustments if necessary; #6 – signature on plans; #7 & 7a – approvals are active for 1 year with all conditions to be addressed within that year; #10 – banners, flags and string devices are prohibited; #11 – window signage is limited to 20%; #12 – emptying of dumpsters and deliveries are to be conducted during regular business hours; #14 – Dig Safely; #22 – carbon monoxide detectors in compliance with State law; #23 – protection and maintenance of bluestone sidewalks.

The application was considered an Unlisted Action under SEQR. A determination of Environmental Significance was discussed.

Decision: The Board voted unanimously to render a negative declaration of environmental significance and approve the special permit for 6 apartments for a period of 1 year to expire on September 12, 2017 with the following conditions: installation of a knox box for emergency access by the Fire Department, off-street parking variance carried forward (ZEO reviewed the file and advised that a parking variance was already received under previous ownership. The variance for 13 spaces will be carried forward as the project has not changed), as well as Planning Board Policies #4, 4a, 6, 7, 7a, 10, 11, 12, 14, 22, 23. (WP, JD, MW, CP, RJ – yes)

Item #6: **#76 Prince Street** SPECIAL PERMIT renewal to operate an apartment on the 2nd floor in the Mixed Use Overlay District. SBL 56.26-9-2.2. SEQR Determination. Zone C-3, MUOD. Ward 5. Aaron Rezny; applicant/owner

NOTE: R. Jacobsen recused himself because he represented the lender in the real estate transaction.

Discussion: No one spoke at the public hearing. Aaron Rezny was present at the meeting. The application is for renewal of the special permit for a residential apartment in the C-2, Mixed Use Overlay District. The applicant received approval for the ground floor gallery and a second floor apartment in July 2015. The initial term was for 1 year as regulated by the zoning code.

A. Rezny explained that the ground floor has been completely renovated and is being used for his photography studio. The apartment has not been completed but renovations are underway and will likely be ready for occupancy in 6 months.

The Board discussed a term for the special permit. The initial term of 1 year, required by the zoning code, has passed. At this time there are no limits on the term. Staff recommended increasing the term to 5 years based on the owner's occupancy of the ground floor space. The Board agreed.

A determination of environmental significance was discussed. Because the project involves no changes, it was categorized as a Type II Action under 6NYCRR Part 617.5 (c) (26), and therefore is predetermined by New York State to have no environmental impact and no SEQR review of the Board is required.

Decision: The Board voted unanimously to render the action a Type II under SEQR and to approve the special permit renewal for a period of 5 years to expire on September 12, 2021 with all original conditions carried forward and filing landlord registration with the Building Safety Division when the rental unit is complete. (WP, JD, MW, CP, JK – yes; RJ – recuse)

Item #7: **#76-88 Spring Street** SPECIAL PERMIT to create 12 residential units. SBL 56.42-10-8. SEQR Determination. Zone RT, Rondout Historic District. Ward 8. Gordon Taylor; applicant/owner.

NOTE: J. Korn recused himself because of a possible business conflict.

Discussion: No one spoke at the public hearing. Charles Wesley was present at the meeting. The applicant is seeking approval for 6 additional studio apartments. The building is currently recognized by the City as 6 townhouse style units. Studios would be in the basement level and would only be accessible from the rear of the building with separate entrances.

The applicant is pursuing approval in an effort to increase the marketability of the building. The building has been for sale and the owner believes that it is important to have approvals in place for additional units. The real estate listing has been active since 5/25/15.

A site plan, dated December 18, 2013, and a floor plan, dated 9/2/08, were submitted for review.

Additional information will need to be submitted with details and locations including a dumpster enclosure sized appropriately, ADA accessibility details, and parking lot materials with an accommodation for an apron near the road to keep gravel in the parking area.

A private hauler will need to be contracted for refuse removal. M. Wiltshire expressed concern with excessive garbage, explaining that it has been an issue for DPW at this location and adding more units will likely increase the amount of refuse created. The Board will need to place a condition at time of final approval that all refuse be contained in appropriate areas as provided by the owner.

The parking requirement for the building would be 1 space for each studio, 1.5 spaces for each 1-bedroom, and 2 spaces for each 2-bedroom or larger. Based on calculations, the requirement is 12 spaces for the upper apartments and 6 for the new studio units. The plans show 18 spaces which would meet the requirement.

The City of Kingston adopted payment in lieu of parkland legislation, which allows the Planning Board to assess a fee if there are no park or recreation facilities available for the residents to use. Staff forwarded the information to the Recreation Commission for a recommendation but had not received a response.

Other Board Policies will need to be reviewed and discussed, including landlord registration updating for this location at the time of approval.

The application was considered a Type I action under SEQR. A resolution was prepared and reviewed by the Board to seek Lead Agency. W. Platte read the resolution.

Decision: The Board unanimously adopted a resolution to seek Lead Agency status in the SEQR review. Staff will circulate information to all Involved and Interested Agencies. The Board tabled further discussion on the application. (WP, JD, MW, CP, RJ – yes; JK – recuse)

OLD BUSINESS:

Item #8: #145 Pine Grove Avenue & #152 West O'Reilly Street SITE PLAN to construct a 35'x36' building to house a new crematorium. SBL 56.33-3-46 & 56.41-3-5.100. SEQR Determination. Zone RRR. Ward 5 & 9. Wiltwyck Rural Cemetery; applicant/owner.

Discussion: S. Cahill advised the Board that the applicants have requested that the application be tabled to allow additional time to develop plans.

Decision: The Board voted unanimously to table the application. (WP, JD, MW, CP, RJ – yes)

Item #9: #32 Abeel Street SITE PLAN to construct a 16,889sf community center. SBL 56.43-5-35.100. SEQR Determination. Zone RT, Rondout Historic District, HAC. Ward 8. Irish Cultural Center Hudson Valley Inc.; applicant/owner.

NOTE: John Dwyer recused himself from the discussion as he is a member of the ICCHV.

Discussion: Robert Carey, ICCHV, Ron Pordy, attorney, Debbie Robbins, attorney, Matthew Rudikoff, Planner, and Mark Tiano, Engineer, were present at the meeting to represent the application.

NOTE: W. Tubby had to leave the meeting partway through discussion at 7:55PM.

S. Cahill explained to the Board that the applicants submitted a revised application and Full Environmental Assessment Form (FEAF), along with a cover letter dated August 31, 2016, which were circulated electronically to all Board members prior to the meeting so that members could review and begin to develop questions.

R. Pordy opened for the applicant and told the Board that the intention of the meeting request this month is to present information to the Board and to go through the FEAF line by line so that each answer can be identified and explained if necessary. R. Pordy also explained to the Board that the application had been revised and that the major part of the revision included the removal of the 33-39 Abeel Street property which was originally proposed to house additional off street parking. He added that the reason for the revision was based on the fact that parking lots are not allowed in this zone as a primary use and that applying for a use variance requires certain criteria to be met. Therefore, the ICCHV is seeking a parking waiver from the Planning Board.

R. Pordy stated that the ICCHV project did not come out of thin air. The project was originally proposed over 3 years ago and has been mentioned in studies that were completed and adopted by the City of Kingston. The Brownfield Opportunity Area Implementation Plan (BOA) specifically mentions the ICCHV both in the text and with photographs. The project is also consistent with the goals of the recently adopted Kingston Comprehensive Plan.

R. Pordy reviewed some of the basic elements of the new construction. The building will be three levels, with the lowest level built into the grade. From Abeel Street the building will appear as a two story structure and from the Strand it will appear with all three levels. Overall, Phase I will be the construction of the 16,889 SF, along with the on-site amenities such as parking, lighting, landscaping etc... On-site parking would consist of 18 spaces (57 are required and 39 are lacking) Because of that they are seeking a waiver for the parking from the Planning Board. In addition, the ICCHV will be arranging to have shuttle services to the site from outlying parking areas as needed at no expense to the City. Throughout the discussion of the project R. Pordy referred to sections of the BOA.

R. Pordy turned the discussion over to M. Rudikoff, planner on the project, to go through the FEAF with the Board.

J. Korn asked about the site being a brownfield. R. Pordy responded stating that the site itself is not a brownfield, however, the BOA includes sites that are in proximity and which are not considered to be brownfields.

M. Rudikoff began going through each question and answer of the FEAF.

Section A – Project Sponsor Information – This was informational and no further discussion was had on the content

Section B – Government Approvals – This section outlines the other approvals that will be required. In addition the local Planning Board, they consist of the Heritage Area Commission –

Coastal Consistency and general recommendation on project with the Rondout Area, the Historic Landmarks Preservation Commission, the Ulster County Planning Board and the Kingston Zoning Board of Appeals.

Section C – Planning and Zoning

C.3.c – zoning – The applicant responded that no zoning change was needed. J. Korn asked whether the request for parking waiver constituted a zoning change. The response was that a waiver is not a zoning change.

M. Rudikoff stated that while the Planning Board was at the site visit, some members commented that the building outline was smaller than expected.

R. Pordy said that the roof height is lower than one of the neighboring structures and that it is just about the same height as the other neighboring structure.

S. Cahill asked if the applicants meet with the Water Department and Engineer to confirm water and sewer.

M. Rudikoff explained that the project site is under 1 acre and therefore a SWPPP is not required. M. Tiano said that test pits have been done and that the plan is to include an underground infiltration system that will tie into the existing drainage system on Company Hill Path. Currently there is no storm water collection. After construction water will be captured and will leave the site at a much lower rate than what it is now. The new system will assist in reducing the erosion problem that Company Hill is experiencing now. R. Carey added that they had met with the City Engineer early in the process and presented plans. This will be followed up with by staff and the applicants.

Section D – Project Details

D.2.j & i – Traffic and Hours of operation were discussed in greater detail. The applicants stated that the BOA specifies that additional traffic studies are not required unless a project exceeds 100 vehicles during peak hours. Traffic is anticipated during off peak hours related to the theater, ongoing classes, etc. Peak hours traffic are expected to be very low based on the proposed uses. J. Korn asked when deliveries will be expected. M. Rudikoff stated that they will likely be during the day which would not be peak A.M. or P.M. times. J. Mills asked where deliveries would take place. R. Pordy and R. Carey said that all deliveries would be on site, they would enter the parking lot from Abeel Street. J. Mills asked for greater detail on the types of operations that would take place within the building. R. Pordy said that the building is not a banquet hall or a restaurant where there will be regular turnover of patrons. J. Mills asked if there will be anything within the building that would draw people in to the building from the street. R. Carey said that they are planning to have music regularly which would hopefully draw patrons in. Adding that most of the visitors to the building will be for scheduled music and theater events or classes. Everything will be focused around Irish music and art. M. Rudikoff again stated that traffic impacts are included in the BOA and that they feel that additional traffic studies are not necessary.

R. Pordy presented D2J(iii) – The applicants put together a table comparing the ICC, BSP, and UPAC lot areas, building lot coverage, venue seating, onsite parking, municipal parking lots within 500ft., # of seats per gross parking space, and ratio of seating to parking. J. Korn said that the layouts of the neighborhoods are different and that because of the Rondout Creek and the topography, there is not the same parking

availability through the neighborhoods as there is in the UPAC and BSP neighborhoods. The applicants said that they feel that the information is relevant because the number of seats for the ICC venue is much less than the number of seats for the other two venues and that the chart is meant to provide information on the relationship between venues and existing parking spaces in municipal parking lots. A second table was created by the applicants to show parking waivers that have been granted by the Planning Board including 554 spaces for BSP, 60 for 8-14 N. Front, 9 for 50 Abeel, 17 for 111 Abeel, 3 for 9 Hone Street, 8 for 33 Broadway, 3 for 31 N Front, 60 for 20 Cedar Street, 22 for 12&14 Thomas, 2 for 85 & 87 Abeel & 70 W. Union.

R. Pordy explained that the applicants intend to operate a shuttle service when large events or multiple events are proposed at the site similar to the shuttle run for the “Hooley on the Hudson” event and the St. Patrick’s Day Parade and Shamrock Run. The Board asked who organizes and pays for the shuttle for the Hooley. The City of Kingston buses are used for the shuttle but the AOH pays the City for the use.

Section E – Site and Setting of Proposed Action M. Rudikoff reviewed the elements that were described in this section and gave a general overview of the immediate area and certain community facilities, along with recreation, waterways and sites listed on the NYS DEC Environmental database.

Chairman W. Platte directed Board members to digest the information newly submitted and that was presented. If they had any questions to submit them to Planning Staff in advance of the next meeting so that they could be forwarded to the applicant.

Decision: The Board voted unanimously to table the application and schedule a public hearing. (WP, MW, CP, RJ, JK – yes; J. Dwyer – recused)